

# EXHIBIT 34

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

NATIONAL COALITION ON BLACK  
CIVIC PARTICIPATION, MARY WINTER,  
GENE STEINBERG, NANCY HART,  
SARAH WOLFF, KAREN SLAVEN, KATE  
KENNEDY, EDA DANIEL, and ANDREA  
SFERES,

Plaintiffs,

v.

JACOB WOHL, JACK BURKMAN, J.M.  
BURKMAN & ASSOCIATES, LLC,  
PROJECT 1599, and JOHN and JANE DOES  
1-10,

Defendants.

Civil Action No. 20-cv-8668

**DECLARATION OF MARY WINTER**

MARY WINTER declares, pursuant to 28 U.S.C. § 1746, as follows:

1. My name is Mary Winter. I am over 18 years of age and am competent to make this declaration.
2. I have personal knowledge of the matters stated herein and would testify to the same if called as a witness in Court.
3. I am a U.S. citizen and lawfully registered to vote in Rockland County, New York, where I live.

4. On August 26, 2020, I received a robocall via a voice-over internet protocol service. The robocall came through my Google Voice phone number. The robocall went to voicemail, which automatically forwards to my email account. The sender of the robocall was 703-795-5364. I know this because the number “703-795-5364” showed up as the sender.
5. The content of the robocall was: “Hi, this is Tamika Taylor from Project 1599, the civil rights organization founded by Jack Burkman and Jacob Wohl. Mail-in voting sounds great, but did you know that if you vote by mail, your personal information will be part of a public database that will be used by police departments to track down old warrants and be used by credit card companies to collect outstanding debts? The CDC is even pushing to use records for mail-in voting to track people for mandatory vaccines. Don’t be finessed into giving your private information to the man, stay home safe and beware of vote by mail.”
6. My first impression of the robocall was that it sounded like the 1619 Project from the New York Times, which I had read about, and I took it seriously. The robocall fooled me. But when the speaker on the robocall began discussing vaccines, I realized it was a scare tactic and not true. In fact, I was horrified by the call.

7. I immediately played the robocall for my partner of 6 years, Gene Steinberg, whom I live with.
8. I have been careful during the COVID-19 pandemic to take many precautions to protect myself and Gene and socially distance from others. I minimize our in-person interactions with everyone else. The area where Gene and I live is a hotspot for the virus and I fear for our safety from it. Currently, I do not even go to the grocery store.
9. I had planned on voting by mail in the general election. I voted by mail in the presidential primary due to concerns for our physical safety from COVID-19. I fear voting in person exposes us to an increased and unnecessary risk for contracting the virus.
10. However, recently I have started to have doubts and fears about voting through mail-in ballots. I have had these fears for several reasons. I have doubts that our ballots would be properly counted if we voted by mail. These fears are based on reports in the media that I have seen.
11. Gene and I have also discussed whether we can trust that our mail-in ballots will be safe, and I am not sure that they will be. I have fears that my mail-in ballot (which has my name physically on it) will be taken and I will be retaliated against by others who vote differently than me because of my voting choices.

12. Receiving this robocall has irreversibly undermined my confidence in voting by mail. I know that the media has reported that Jack Burkman and Jacob Wohl are behind these calls. And while I understand that the purpose of this robocall is to scare me and that it's not authentic information, I nonetheless feel intimidated by it.
13. I am not confident that my mail-in ballot will be counted or that it will be correctly counted. The robocall exacerbated my fears that someone will tamper with my mail-in ballot or violate its secrecy. If someone is willing to go to the lengths of creating a false robocall to lie and scare people from voting by mail, I also wonder what else they might be willing to do to block my mail-in ballot.
14. The robocall was also distressing in a different way. My partner, Gene, has an 18-year-old nonviolent criminal conviction. The robocall's discussion of law enforcement using mail-in ballots to track people scared me. I worry that the mail-in ballot is traceable back to me so my vote may not stay secret. I am scared that my mail-in ballot could be used by someone who wants to track or intimidate Gene.
15. I now believe that the only way I can trust that my ballot is safe, secret, and will be correctly counted is if I vote in person.

16. I am scared that by voting in person, I am exposing myself and Gene to greater risk of contracting the coronavirus. But I feel that I have to do it to make sure my vote is counted correctly and secretly.

17. The robocall was also distressing to me because I am concerned that others will receive the call, may not realize that the information in the robocall is false, and may be intimidated into not voting.

I declare under penalty of perjury that the foregoing statements are true and correct. Executed on:

October 15, 2020, in Rockland County, New York, by

A handwritten signature in black ink, appearing to read "Mary Winter", is written over a horizontal line.

MARY WINTER